

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ERIE

ANTHONY RAVARINI,

Plaintiff,

v.

FATHER DENNIS G. RITER; THE DIOCESE OF BUFFALO,
N.Y.; QUEEN OF ALL SAINTS ROMAN CATHOLIC CHURCH
SOCIETY OF LACKAWANNA, NEW YORK, a/k/a, QUEEN
OF ALL SAINTS ROMAN CATHOLIC CHURCH SOCIETY OF
LACKAWANNA, N.Y.; and ST. ANTHONY'S ROMAN
CATHOLIC CHURCH SOCIETY OF LACKAWANNA, NEW
YORK,*Defendants.*

[See Attached Rider for Defendants' Addresses]

Index No.

SUMMONSDate Index No. Purchased: Sept. 16,
2019

To the above named Defendant(s)

You are hereby summoned to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's attorney within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

The basis of venue is one or more Defendant resides in Erie County, which is located in Erie County, New York.

Dated: New York, New York
September 16, 2019

SIMMONS HANLY CONROY LLC



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YORK,*Defendants.*

Index No.

RIDER TO SUMMONS

Defendant/Counsel	Service Address
FATHER DENNIS G. RITER	Elizabeth Ann Seton Church 328 Washington Avenue, Dunkirk, Chautauqua County, New York
THE DIOCESE OF BUFFALO, N.Y	795 Main Street, Buffalo, Erie County, New York
QUEEN OF ALL SAINTS ROMAN CATHOLIC CHURCH SOCIETY OF LACKAWANNA, NEW YORK, A/K/A QUEEN OF ALL SAINTS ROMAN CATHOLIC CHURCH SOCIETY OF LACKAWANNA, N.Y.	306 Ingham Avenue, Lackawanna, Erie County, New York
ST. ANTHONY'S ROMAN CATHOLIC CHURCH SOCIETY OF LACKAWANNA, NEW YORK	306 Ingham Avenue, Lackawanna, Erie County, New York

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Defendants.

Index No.

COMPLAINT

JURY TRIAL DEMANDED

Plaintiff Anthony Ravarini, by his attorneys Simmons Hanly Conroy LLC and the Law Offices of Mitchell Garabedian, brings this action against Father Dennis G. Riter; The Diocese of Buffalo, N.Y.; Queen of All Saints Roman Catholic Church Society of Lackawanna, New York, also known as Queen of All Saints Roman Catholic Church Society of Lackawanna, N.Y.; and St. Anthony's Roman Catholic Church Society of Lackawanna, New York, and alleges, on personal knowledge as to himself and on information and belief as to all other matters, as follows:

JURISDICTION AND VENUE

1. This Court has personal jurisdiction over the Defendants pursuant to CPLR 301 and 302, in that the Defendants reside in New York.
2. This Court has jurisdiction over this action because the amount of damages Plaintiff seeks exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.
3. Venue for this action is proper in the County of Erie pursuant to CPLR 503 in that one or more of the Defendants reside in this County and a substantial part of the

events or omissions giving rise to the claims asserted herein occurred in this County.

PARTIES

4. Plaintiff Anthony Ravarini ("Plaintiff") is an individual residing in Niagara Falls, Niagara County, New York.

5. Defendant Father Dennis G. Riter ("Father Riter") is an individual with a residential address at Elizabeth Ann Seton Church, located at 328 Washington Avenue, Dunkirk, Chautauqua County, New York. At all relevant times, Defendant Father Riter served as a Roman Catholic priest of Defendant The Diocese of Buffalo, N.Y.

6. Defendant The Diocese of Buffalo, N.Y. ("Diocese of Buffalo") is a religious corporation organized pursuant to the New York Religious Corporations Law, with its principal office at 795 Main Street, Buffalo, Erie County, New York. The Diocese of Buffalo is a Roman Catholic diocese. At all relevant times, the Diocese of Buffalo created, oversaw, supervised, managed, controlled, directed and operated parishes or churches of the Diocese of Buffalo, including during all relevant times, Queen of All Saints Roman Catholic Church Society of Lackawanna, New York, also known as Queen of All Saints Roman Catholic Church Society of Lackawanna, N.Y.; and St. Anthony's Roman Catholic Church Society of Lackawanna, New York.

7. Defendant Queen of All Saints Roman Catholic Church Society of Lackawanna, New York, also known as Queen of All Saints Roman Catholic Church Society of Lackawanna, N.Y., ("Queen of All Saints") was a Roman Catholic parish within and under the authority of the Diocese of Buffalo and was a religious corporation organized pursuant to the Religious Corporations Law with its principal office at 306 Ingham Avenue, Lackawanna, Erie County, New York. At all relevant times, the Diocese of Buffalo created, oversaw, supervised, managed, controlled, directed and operated Queen of All Saints.

8. Defendant St. Anthony's Roman Catholic Church Society of Lackawanna, New York, ("St. Anthony's") is a Roman Catholic parish within and under the authority

of the Diocese of Buffalo and is a religious corporation organized pursuant to the Religious Corporations Law with its principal office at 306 Ingham Avenue, Lackawanna, Erie County, New York. At all relevant times, the Diocese of Buffalo created, oversaw, supervised, managed, controlled, directed and operated St. Anthony's. As a result of a corporate merger, Defendant St. Anthony's is the legal successor to Defendant Queen of All Saints.

FACTS COMMON TO ALL CLAIMS

9. During the times relevant to the allegations set forth herein, Father Riter was assigned by Defendant Diocese of Buffalo to be the pastor of Queen of All Saints.

10. In approximately 1992 when Plaintiff was approximately six years of age, Plaintiff travelled with adult caregivers to Queen of All Saints. One of those adult caregivers was visiting a seminarian who was working at Queen of All Saints.

11. While Plaintiff was at Queen of All Saints, Father Riter isolated Plaintiff and sexually assaulted and sexually abused Plaintiff in an office at Queen of All Saints.

12. Father Riter used this encounter, gained through his position at Queen of All Saints which granted him access to Plaintiff when Plaintiff was approximately six years of age, to sexually assault, sexually abuse, and have sexual contact with the Plaintiff in violation of the laws of the State of New York.

Supervisory Defendants' Responsibility for the Abuse Committed by Father Riter

13. At all times material hereto, Father Riter was under the management, supervision, employ, direction and/or control of Defendants Diocese of Buffalo and Queen of All Saints.

14. Through his positions at, within, or for Defendants Diocese of Buffalo and Queen of All Saints, Father Riter was put in direct contact with Plaintiff.

15. Father Riter used his position at, within, or for Defendants Diocese of Buffalo and Queen of All Saints and the implicit representations made by them about his character that accompanied that position, to gain Plaintiff's trust and confidence and to

create an opportunity to be alone with, and touch, Plaintiff.

16. Defendants Diocese of Buffalo and Queen of All Saints had the duty to reasonably manage, supervise, control and/or direct priests who served at Queen of All Saints, and specifically, had a duty not to aid pedophiles such as Father Riter by assigning, maintaining, and/or appointing them to positions with access to minors.

17. Defendants Diocese of Buffalo and Queen of All Saints knew and/or reasonably should have known, and/or knowingly condoned, and/or covered up, the inappropriate and unlawful sexual activities of Father Riter, who sexually abused Plaintiff.

18. Defendant Diocese of Buffalo had a duty to the Plaintiff to properly supervise Diocese of Buffalo priests to ensure that priests did not use their positions with the Diocese of Buffalo as a tool for grooming and assaulting vulnerable children. Defendant Diocese of Buffalo knew or should have known that Father Riter used his positions with the Diocese of Buffalo to sexually abuse minor children, including the Plaintiff.

Consequences of the Abuse

19. Plaintiff suffered personal physical and psychological injuries and damages as a result of Father Riter's actions, as well as other damages related thereto, as a result of the childhood sexual abuse Plaintiff sustained.

20. As a direct result of the Defendants Diocese of Buffalo's and Queen of all Saints' conduct described herein, Plaintiff suffered and will continue to suffer great pain of mind and body, severe and permanent emotional distress, and physical manifestations of emotional distress. Plaintiff was prevented from obtaining the full enjoyment of life; has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling; and has incurred and will continue to incur loss of income and/or loss of earning capacity. As a victim of Father Riter's sexual abuse, Plaintiff is unable at this time to fully describe all of the details of that abuse and the

extent of the harm he suffered as a result.

CAUSES OF ACTION

FIRST CAUSE OF ACTION

Assault

21. Plaintiff repeats and re-alleges each and every allegation set forth in paragraphs 1 through 20 as if fully set forth herein.

22. In approximately 1992 when Plaintiff was approximately six years of age, Father Riter intentionally touched Plaintiff's body when Father Riter engaged in the sexual behavior and lewd and lascivious conduct described above. Such conduct placed Plaintiff in imminent apprehension of harmful contact, including apprehension of further sexual contact.

23. As a direct and proximate result of Defendant Father Riter's actions, which included but were not limited to placing the Plaintiff in imminent and reasonable apprehension of harmful and offensive contact, Plaintiff suffered and will continue to suffer the severe injuries and damages described herein, including but not limited to, mental and emotional distress.

24. By reason of the foregoing, Defendant Father Riter is liable to Plaintiff for compensatory damages and for punitive damages, together with interest and costs.

SECOND CAUSE OF ACTION

Battery

25. Plaintiff repeats and re-alleges each and every allegation set forth in paragraphs 1 through 20 as if fully set forth herein.

26. In approximately 1992 when Plaintiff was approximately six years of age, Father Riter intentionally touched Plaintiff's body when Father Riter engaged in the sexual behavior and lewd and lascivious conduct described above. Such bodily contact was offensive and was without consent, because Plaintiff, as a minor, was incapable of consenting to these acts.

27. As a direct and proximate result of Defendant Father Riter's actions, which included but were not limited to unjustified harmful and offensive physical contact and touching, Plaintiff suffered and will continue to suffer the severe injuries and damages described herein, including but not limited to, mental and emotional distress.

28. By reason of the foregoing, Defendant Father Riter is liable to Plaintiff for compensatory damages and for punitive damages, together with interest and costs.

THIRD CAUSE OF ACTION

Intentional Infliction of Emotional Distress

29. Plaintiff repeats and re-alleges each and every allegation set forth in paragraphs 1 through 20 as if fully set forth herein.

30. By engaging in the explicit sexual behavior and lewd and lascivious conduct described above, either Defendant Father Riter intended to inflict emotional distress upon Plaintiff, or Defendant Father Riter knew or should have known and recklessly disregarded the substantial likelihood that severe emotional distress would be the likely result of his conduct.

31. The conduct of Defendant Father Riter in engaging in the explicit sexual behavior and lewd and lascivious conduct with a minor as described above is extreme and outrageous, beyond all possible bounds of decency, and utterly intolerable in a civilized society.

32. The mental distress and emotional injuries Plaintiff suffered and will continue to suffer were and are lasting and severe.

33. As a direct and proximate result of Defendant Father Riter engaging in the explicit sexual behavior and lewd and lascivious conduct described above, Plaintiff suffered and will continue to suffer the severe injuries described herein.

34. By reason of the foregoing, Defendant Father Riter is liable to Plaintiff for compensatory damages and for punitive damages, together with interest and costs.

FOURTH CAUSE OF ACTION**Negligent Hiring/Retention/Supervision/Direction**

35. Plaintiff repeats and re-alleges each and every allegation set forth in paragraphs 1 through 20 as if fully set forth herein.

36. Defendants Diocese of Buffalo and Queen of All Saints owed a duty of care to all minor persons, including Plaintiff, who were likely to come within the influence or supervision of Father Riter in his role as priest, counselor, trustee, director, officer, employee, agent, servant and/or volunteer, to insure that Father Riter did not use his assigned position to injure minors by sexual assault, sexual abuse, or sexual contact in violation of the laws of the State of New York.

37. Defendant Diocese of Buffalo at all relevant times held the parishes of the Diocese of Buffalo out to be safe places for minors to attend, and its priests as individuals to whom it was safe to entrust the care of minor children. Defendant Diocese of Buffalo entered into an express and/or implied duty to safely treat Plaintiff and assumed the duty to protect and care for him.

38. Father Riter sexually assaulted, sexually abused, and/or had sexual contact with Plaintiff at Queen of All Saints.

39. Defendants Diocese of Buffalo and Queen of All Saints negligently hired, retained, directed, and supervised Father Riter, though they knew or should have known that Father Riter posed a threat of sexual abuse to minors.

40. Defendants Diocese of Buffalo and Queen of All Saints knew or should have known of Father Riter's propensity for the conduct which caused Plaintiff's injuries prior to, or at the time of, the injuries' occurrence.

41. Defendants Diocese of Buffalo and Queen of All Saints were negligent in failing to properly supervise Father Riter.

42. The sexual abuse of children by adults, including priests, is a foreseeable result of negligence.

43. At all times material hereto, Defendants Diocese of Buffalo's and Queen of All Saints' actions were willful, wanton, malicious, reckless, negligent and/or outrageous in their disregard for the rights and safety of Plaintiff.

44. As a direct and proximate result, Plaintiff has suffered and will continue to suffer the injuries described herein.

45. Liabilities of Queen of All Saints were transferred to, or assumed by, St. Anthony's. As a result, St. Anthony's is liable to the Plaintiff for the damages caused by Queen of All Saints stated in this cause of action.

46. By reason of the foregoing, Defendants Diocese of Buffalo, Queen of All Saints, and St. Anthony's are liable to the Plaintiff, jointly, severally and/or in the alternative liable to the Plaintiff for compensatory damages and for punitive damages, together with interest and costs.

FIFTH CAUSE OF ACTION

Negligence/Gross Negligence

47. Plaintiff repeats and re-alleges each and every allegation set forth in paragraphs 1 through 20 as if fully set forth herein.

48. Defendants Diocese of Buffalo and Queen of All Saints knew, or were negligent in not knowing, that Father Riter posed a threat of sexual abuse to children.

49. The acts of Father Riter described hereinabove were undertaken, and/or enabled by, and/or during the course, and/or within the scope of his respective employment, appointment, assignment, and/or agency with Defendants Diocese of Buffalo and Queen of All Saints.

50. Defendants Diocese of Buffalo and Queen of All Saints owed Plaintiff, a minor at the relevant time of abuse, a duty to protect him from Father Riter's sexual deviancy and the consequential damages, both prior to and/or subsequent to Father Riter's misconduct.

51. Defendants Diocese of Buffalo's and Queen of All Saints' willful, wanton,

grossly negligent and/or negligent act(s) of commission and/or omission, resulted directly and/or proximately in the damage set forth herein at length.

52. Defendants Diocese of Buffalo and Queen of All Saints:

- a. gave improper or ambiguous orders or failed to make proper regulations, and/or employed improper persons or instrumentalities in work involving risk of harm to others;
- b. failed adequately to supervise the activities of Father Riter;
- c. permitted, and/or intentionally failed and/or neglected to prevent, negligent and/or grossly negligent conduct and/or allowed other tortious conduct by persons, whether or not their servants and/or agents and/or employees, upon premises or with instrumentalities under their control; and
- d. allowed the acts of omission and/or commission and/or any or all of the allegations set forth in this Complaint to occur.

53. At all times material hereto, with regard to the allegations contained herein, Father Riter was under the supervision, employ, direction and/or control of Defendants Diocese of Buffalo and Queen of All Saints.

54. At all times material hereto, Defendants Diocese of Buffalo's and Queen of All Saints' actions were willful, wanton, malicious, reckless, negligent and outrageous in their disregard for the rights and safety of Plaintiff, which amounted to conduct equivalent to criminality.

55. As a direct and/or indirect result of said conduct, Plaintiff has suffered and will continue to suffer the injuries and damages described herein.

56. Liabilities of Queen of All Saints were transferred to, or assumed by, St. Anthony's. As a result, St. Anthony's is liable to the Plaintiff for the damages caused by Queen of All Saints stated in this cause of action.

57. By reason of the foregoing, Defendants Diocese of Buffalo, Queen of All

Saints, and St. Anthony's are liable to the Plaintiff, jointly, severally and/or in the alternative liable to the Plaintiff for compensatory damages and for punitive damages, together with interest and costs.

SIXTH CAUSE OF ACTION

Negligent Infliction of Emotional Distress

58. Plaintiff repeats and re-alleges each and every allegation set forth in paragraphs 1 through 20 as if fully set forth herein.

59. As described above, the actions of Defendants Diocese of Buffalo and Queen of All Saints, their agents, servants, and/or employees were conducted in a negligent and/or grossly negligent manner.

60. Defendants Diocese of Buffalo's and Queen of All Saints' actions endangered Plaintiff's safety and caused him to fear for his own safety.

61. As a direct and proximate result of Defendants Diocese of Buffalo's and Queen of All Saints' actions, which included but were not limited to negligent and/or grossly negligent conduct, Plaintiff suffered and will continue to suffer the severe injuries and damages described herein, including but not limited to, mental and emotional distress.

62. Liabilities of Queen of All Saints were transferred to, or assumed by, St. Anthony's. As a result, St. Anthony's is liable to the Plaintiff for the damages caused by Queen of All Saints stated in this cause of action.

63. By reason of the foregoing, Defendants Diocese of Buffalo, Queen of All Saints, and St. Anthony's are liable to the Plaintiff, jointly, severally and/or in the alternative liable to the Plaintiff for compensatory damages and for punitive damages, together with interest and costs.

WHEREFORE Plaintiff demands judgment against the Defendants on each cause of action as follows:

A. Awarding compensatory damages in an amount to be proved at trial, but in

any event in an amount that exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction;

- B. Awarding punitive damages to the extent permitted by law;
- C. Awarding prejudgment interest to the extent permitted by law;
- D. Awarding costs and fees of this action, including attorneys' fees, to the extent permitted by law; and
- E. Awarding such other and further relief as to this Court may seem just and proper.

JURY DEMAND

Plaintiff demands a trial by jury on all issues so triable.

Dated: September 16, 2019
New York, New York

Respectfully Submitted,

/s/ Paul J. Hanly, Jr.

Paul J. Hanly, Jr.

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